

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF PUERTO RICO

BEFORE HONORABLE DANIEL R. DOMINGUEZ

**MINUTES OF PROCEEDINGS**

**DATE: August 31, 1999**

**CIVIL NO. 96-2416 (DRD)**

Courtroom Deputy: Janet GONZALEZ  
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NICOLAS FILIS, et al.

Attorneys: Ricardo RODRIGUEZ  
Orlando DURAN

vs.

LUQUILLO PARASAILS,  
INC., et al.

James A. TORO  
Peter DIAZ  
Ramón L. VIÑAS BUESO

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**PRETRIAL CONFERENCE** is held in chambers. The Court advises counsel that it is crucial to determine if this case falls under maritime law.

Pending before the Court are two Motions to Dismiss Third Party Complaint filed by defendant Commercial Water Sports (Dkt. Nos. 73 & 74). Plaintiffs have filed their opposition (Dkt. No. 81). Nevertheless, the party that brought Commercial into the case, Luquillo Parasail, has not been active in the case. On February 6, 1999 at Dkt. No. 66 the Court relieved attorney Ivan Domínguez from further representing Luquillo Parasail Inc. and granted co-defendants sixty days to retain new legal representation. To this date counsel has not appeared on behalf of co-defendants Luquillo Parasail.

Plaintiffs and co-defendants Williams Hospitality Group, et al. will move within ten (10) days for default as to Luquillo Parasail and request that Dkt. Nos. 73 and 74 be rendered moot. Third Party defendant "Commercial" is granted ten (10) days to move for dismissal as to them.

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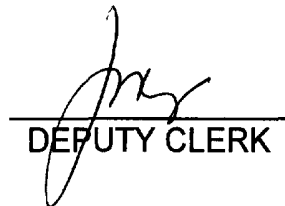
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Defendants William Hospitality Group announce they will raise a jurisdictional issue. The Court grants attorney James Toro until September 30, 1999 to file said motion. Thereafter, plaintiff is granted twenty (20) days to reply.

Defendant "Commercial" filed a Motion to Compel, Dkt. No. 80, regarding the deposition of plaintiffs' expert witness. After discussing the matter, the parties agreed to depose Mr. Mark McCulloh in Puerto Rico on November 1, 3 or 5, 1999.

The parties state their settlement positions. Plaintiff will check the allegations and evidence as to loss of income. Counsel for plaintiffs contend that the information as to loss of income was provided in their answer to interrogatories, but will verify this and notify defendants.

The Court urges the parties to explore settlement. A Settlement Conference is set for **December 2, 1999 at 4:30 P.M.** If settlement does not materialize, a further Pretrial and Trial dates will be set. (Jury trial scheduled for September 20, 1999 is vacated and set aside.)

  
DEPUTY CLERK

s/c: Counsel of record  
Jury Clerk